

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA

In Re: Timothy John Dziok
Stephanie Parnell Dziok

Debtor(s)

Motion and Notice
Chapter 13

No. B-10-80709 C13D

The undersigned Standing Trustee respectfully moves the Court for an order as follows:

On August 10, 2010, the Debtors' Plan was confirmed. The bar date for filing claims in this case was September 9, 2010, for all creditors except a governmental unit. The bar date for filing a proof of claim for a governmental unit was October 20, 2010. On September 13, 2011, the Standing Trustee received the proof of claim of Edifinancial Services for ESA ("ESA") in the amount of \$2,752.16 representing a student loan. ESA was a listed and scheduled creditor at the time of the filing of this case.

The Standing Trustee respectfully recommends to the Court that an Order be entered disallowing the claim of the ESA in the amount of \$2,752.16 as not timely filed.

Date: September 20, 2011
ltp

s/Richard M. Hutson, II
Standing Trustee

NOTICE

TAKE NOTICE THAT any interested party who has an objection to the Motion MUST FILE A WRITTEN OBJECTION on or before October 31, 2011, with the parties named on the attached Parties to be Served list and with the U.S. Bankruptcy Court at the following address:

*101 S. Edgeworth Street
Greensboro, NC 27401*

If no objections are filed within the time period, the Court will consider this motion without a hearing. If objections are timely filed, a hearing on the motion will be held on November 15, 2011, at 11:00 a.m., at the following location:

*Courtroom,
Venable Center
Dibrell Building, Suite 280
302 East Pettigrew Street
Durham, NC 27701*

Date: September 20, 2011

OFFICE OF THE CLERK
U.S. Bankruptcy Court

PARTIES TO BE SERVED
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Timothy J. Dziok
Stephanie P. Dziok
165 Bambi Lane
Carthage, NC 28327

John T. Orcutt, Esq.
6616-203 Six Forks Road
Raleigh, NC 27615

Richard M. Hutson, II, Esq.
Post Office Box 3613
Durham, NC 27702

Edifinancial Services for ESA
Educational Services of America
Attn: Managing Agent
120 N. Seven Oaks Drive
Knoxville, TN 37922